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Buckley and Pell Move to Revise Law on Right to School Records

By EDWARD B. FISKE

Senators James L. Buckley and Claiborne Pell announced yesterday that they would jointly propose next week legislation to amend controversial sections of a new law giving parents and students the right to examine school records. Among other things, the proposed changes would guarantee the confidentiality of existing letters of recommendation, permit students to waive the right to see selected documents and restrict the right of students to see parents' financial statements.

Aides to the two Senators said, however, that they would not accede to the expressed wishes of numerous college administrators to delay implementation of the new law until hearings can be held.

The legislation involved is the Family Educational Rights and

Privacy Act that was proposed on the Senate floor by Senator Buckley, the Conservative-Republican of New York, and adopted as an amendment to the Elementary and Secondary Education Act of 1974.

The so-called "Buckley amendment" gives parents and adult students the right to inspect school records and restricts the rights of institutions to pass on the content of students' files to outsiders.

The legislation, which went into effect Nov. 19 but gives in-

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stitutions 45 days to respond to requests to see files, has been widely criticized by college officials. Most institutions have refused to open the records in the hope that allegedly "unintended" consequences of the legislation could be corrected by amending legislation.

In a joint statement issued yesterday, Senators Buckley and Pell, the Rhode Island Democrat who is chairman of the Senate Education subcommittee, announced that they had agreed on new legislation to "clarify certain ambiguities" in the new act.

The changes, which will be proposed as an amendment to a library bill now awaiting action in the House, are expected to be accepted by the Senate and House conference committee

tee and go into effect before the end of the 45-day grace period.

Aides to the two senators said that the changes would include the following amendments:

¶ Letters of recommendation and other materials already received by institutions under the assumption of confidentiality would be excluded from coverage.

¶ Students would be allowed to waive their right to see certain classifications of documents, such as letters of recommendation.

¶ Students would not be allowed to have access to their parents' confidential financial statements submitted to colleges.

¶ Colleges would be free to send grades to parents if the student was still classified as a dependent

¶ The definitions of "records" and "hearings," which were widely criticized as too fuzzy, would be sharpened.

The changes were agreed upon by the two Senators at a two-hour meeting at the Capitol yesterday morning. John Kwapisz, an aide to Senator Buckley, said that the lawmaker was satisfied that the changes "clarify his original intention."

The proposed legislation would not meet the demand of some educators to postpone enactment pending hearings, but Ralph K. Huitt, executive director of the National Association of State Universities and Land-Grant Colleges, termed the proposed changes satisfactory.

"If the amendment will take care of the problems we had with it, I don't see how we can object to the fact that it hasn't been postponed," he said.